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INSIGHT BIOTEK INC.

TO: USPTO Attn: Office of Petitions  
Attn: Patricia Duffy  
FAX#: 571-273-8300  
DATE: Feb 14, 2011

FROM: Diane Van Alstyne  
FAX #:  
PHONE #: 250-493-3793  
# OF PAGES: 2 REF: -

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Re: Application of Van Alstyne, et al.  
Application No. 09/400,860

09/489856

Filed: January 24, 2000

For: METHODS TO CLEAR MENINGITIS CAUSING AGENTS USING  
ANTIBODIES TO PEPTIDES REPRESENTING EPITOPIC SITES FOR  
BACTERIAL AND VIRAL MENINGITIS CAUSING AGENTS.

FEB 18 2011

OFFICE OF PETITIONS

## Renewed Petition Under 37 CFR 1.136(b)

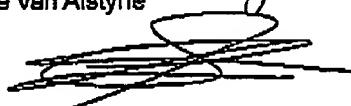
This petition contains:

- (1) a copy of the non-final office action is enclosed.
- (2) the petition fee was received April 13, 2010
- (3) the correct statement: "The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" is submitted.
- (4) a terminal disclaimer is not required given that this application was filed post June 8, 1995 and is not a design application.

If these 4 conditions are now met, we respectfully request a reconsideration of this petition.

Diane Van Alstyne

Diane Van Alstyne



Larry R. Sharma

FEDEX COPY

FOLLOWS

February 14, 2011

February 14, 2011

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TO : OFFICE OF PETITIONS

117,050 FEB 15 2011

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<b>Office Action Summary</b>	Application No.	Applicant(s)	RECEIVED
	09/489,850	ALSTYNE ET AL.	
	Examiner Patricia A. Duffy	Art Unit 1845	FEB 18 2011

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

OFFICE OF PETITIONS

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 March 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 14-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 14-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.86(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-162.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_